

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

HUNG VU DO, M.D.)
Certificate No. A-38460)

NO. D-3387

Respondent.)
_____)

DECISION

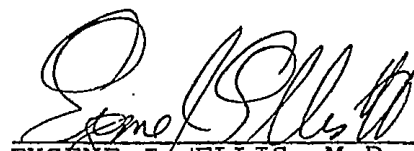
The attached Stipulation is hereby adopted by the
Division of Medical Quality of the Board of Medical Quality
Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on August 28,

1986

IT IS SO ORDERED July 29, 1986.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



EUGENE J. MELLIS, M.D.
President

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California
3 ALAN S. METH,
4 Deputy Attorney General
5 110 West A Street, Suite 700
6 SAn Diego, California 92101
7 Telephone: (619) 237-7224

8 Attorneys for Complainant

9 BEFORE THE
10 DIVISION OF MEDICAL QUALITY
11 BOARD OF MEDICAL QUALITY ASSURANCE
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

14 In the Matter of the Accusation) NO. D-3387
15 Against:)
16 HUNG VU DO)
17 400 W. Orangethrope, 211D) STIPULATION FOR
18 Fullerton, California 92632) SETTLEMENT
19 License No. A-038460)
20 Respondent.)
21 _____)

22 IT IS HEREBY STIPULATED AND AGREED by and between the
23 parties to the above-entitled matter that the following
24 allegations are true.

25 1. Kenneth J. Wagstaff, complainant herein, and
26 Executive Director of the Board of Medical Quality Assurance of
27 the State of California, is represented by John K. Ven de Kamp,
Attorney General of the State of California, by Alan S. Meth,
Deputy Attorney General.

2. Hung Vu Do, M.D. (hereinafter "respondent") is
represented by Dennis M. Warren, who has been retained as his

1 attorney in regard to the administrative action herein and that
2 the respondent has counseled with Mr. Warren concerning the
3 effect of this stipulation, which the respondent herein has
4 carefully read and fully understands.

5 3. Respondent has received and read the accusation
6 which is presently on file and pending as Case No. D-3387,
7 before the Division of Medical Quality of the Board of Medical
8 Quality Assurance, State of California.

9 4. Respondent understands the nature of the charges
10 alleged in the above-mentioned accusation and that said charges
11 and allegations would constitute cause for imposing discipline
12 upon respondent's medical license heretofore issued by the Board
13 of Medical Quality Assurance.

14 5. Respondent and his counsel are aware of each of
15 respondent's rights, including the right to a hearing on the
16 charges and allegations, the right to confront and cross-examine
17 witnesses who would testify against him, the right to present
18 evidence in his favor and call witnesses on his behalf, or to
19 testify himself, his right to contest the charges and allegations,
20 and any other rights which may be accorded to him pursuant to
21 the California Administrative Procedure Act (Gov. Code, § 11500,
22 et seq.), his right to reconsideration, review by the superior
23 court and to appeal to any other court; that respondent under-
24 stands that in signing this stipulation rather than contesting
25 the accusation, he is enabling the Division of Medical Quality
26 of the Board of Medical Quality Assurance to issue the following
27 order from this stipulation without further process.

1 6. Respondent freely and voluntarily waives each and
2 every one of the rights set forth hereinabove; that respondent
3 admits he is guilty of violating sections 2236(a), 490, 2261 and
4 2234(e) of the Business and Professions Code. The facts alleged
5 in paragraphs 7 through 9 of the Accusation are admitted and
6 incorporated herein by reference. This admission is made for
7 the purpose of this stipulation only, and in the event this
8 stipulation is not adopted by the Division of Medical Quality,
9 the admissions made herein shall be inadmissible in any
10 proceeding involving the parties to it.

11 7. Based on the foregoing stipulations and recital, it
12 is stipulated and agreed that the Division of Medical Quality
13 may issue the following order as its decision in this case.

14 ORDER

15 IT IS HEREBY ORDERED that license Number A-038460
16 issued to Hung Vu Do, M.D., is revoked. However, said
17 revocation is stayed and respondent is placed on probation for
18 five years on the following terms and conditions:

19 A. Respondent shall obey all federal, state and local
20 laws, and all rules governing the practice of medicine in
21 California.

22 B. Respondent shall submit quarterly declarations
23 under penalty of perjury on forms provided by the Division,
24 stating whether there has been compliance with all the
25 conditions of probation.

26 C. Respondent shall comply with the Division's
27 probation surveillance program.

1 D. Respondent shall appear in person for interviews
2 with the Division's medical consultant upon request at
3 various intervals and with reasonable notice.

4 E. In the event respondent should leave California to
5 reside or to practice outside the State, respondent must
6 notify in writing the Division of the dates of departure and
7 return. Periods of residency or practice outside California
8 will not apply to the reduction of this probationary period.

9 F. Upon successful completion of probation,
10 respondent's certificate will be fully restored.

11 G. If respondent violates probation, in any respect,
12 the Division, after giving respondent notice and the
13 opportunity to be heard, may revoke probation and carry out
14 the disciplinary order that was stayed. If an accusation or
15 petition to revoke probation is filed against respondent
16 during probation, the Division shall have continuing
17 jurisdiction until the matter is final, and the period of
18 probation shall be extended until the matter is final.

19 H. Within 60 days of the effective date of this
20 decision, respondent shall submit to the Division for its
21 prior approval a community service program in which
22 respondent shall provide free medical services on a regular
23 basis to a community or charitable facility or agency for at
24 least 16 hours per month for the first 24 months of
25 probation.

26 I. Respondent is prohibited from engaging in solo
27 practice. Within 30 days of the effective date of this

1 decision, respondent shall submit to the Division, and
2 receive its prior approval, for a plan of practice limited
3 to a supervised, structured environment in which
4 respondent's activities will be overseen and supervised by
5 another physician.

6 J. Within 90 days of the effective date of this
7 decision, and on an annual basis thereafter, respondent
8 shall submit to the Division for its prior approval an
9 educational program or course related to general practice,
10 which shall not be less than 25 hours per year, for each
11 year of probation. This program shall be in addition to the
12 continuing medical education requirements for re-licensure.
13 Following the completion of each course the Division or its
14 designee may administer an examination to test respondent's
15 knowledge of the course. Respondent shall provide proof of
16 attendance for 50 hours of continuing medical education, of
17 which 25 hours were in satisfaction of this condition and
18 were approved in advance by the Division.

19 K. Within 60 days of the effective date of this
20 decision, respondent shall take and pass an oral- clinical
21 examination in general practice to be administered by the
22 Division or its designee. If respondent fails this
23 examination, respondent must wait three months between
24 reexaminations, except that after three failures respondent
25 must wait one year to take each necessary reexamination
26 thereafter. The Division shall pay the cost of the first
27 examination and respondent shall pay the costs of any

1 subsequent examinations. Respondent shall not practice
2 medicine until respondent has passed this examination and
3 has been so notified by the Division in writing.

4 I concur in the stipulation and order.

5 DATED: May 17, 1986

6 JOHN K. VAN DE KAMP, Attorney General
7 of the State of California

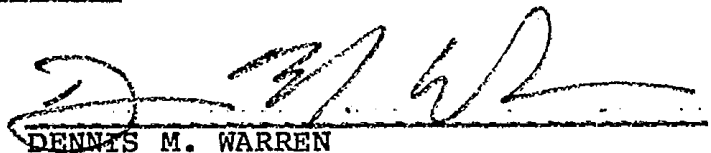
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9 ALAN S. METH
10 Deputy Attorney General

11 Attorneys for Complainant

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15 I concur in the stipulation and order.

16 DATED: April 23, 1986

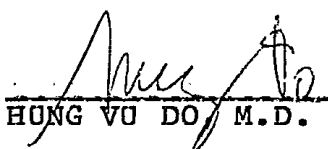
17
18 
19 DENNIS M. WARREN

20 Attorney for Respondent

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22 I have read the above stipulation fully and have
23 discussed it with my counsel. I understand that by its terms I
24 will be waiving certain rights accorded me under California law.
25 I also understand that by its terms the Board of Medical Quality
26 Assurance will issue a Decision and Order on this stipulation
27 whereby my license to practice medicine will be subject to

1 certain terms and conditions. I agree to the above stipulation
2 for settlement.

3 DATED: MAY 1, 1986

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6 HUNG VU DO, M.D.

7 Respondent

8 The foregoing is adopted as the decision of the
9 Division of Medical Quality of the Board of Medical Quality
10 Assurance in this matter and shall be effective on the 27th day
11 of August, 1986.

12 IT IS SO ORDERED THIS 28th day of July,
13 1986.

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27 ASM:sk:gm
4/2/86

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 ALAN S. METH,
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
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7 BEFORE THE
8 DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
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13 In the Matter of the Accusation) NO. D-3387
14 Against:)
HUNG VU DO, M.D.)
15 400 West Orangethorpe, #211D)
Fullerton, California 92632)
16 Physician and Surgeons)
17 Certificate No. A-038460)
18 Respondent.)
19

20 Complainant, Kenneth J. Wagstaff, alleges:

21 1. He is the Executive Director of the Board of
22 Medical Quality Assurance of the State of California, and makes
23 and files this accusation in his official capacity.

24 2. At all times mentioned herein, respondent
25 HUNG VU DO, M.D., held Physician's and Surgeon's Certificate
26 Number A-038460, authorizing him to practice medicine in the
27 State of California.

1 3. Sections 2227 and 2234 of the Business and
2 Professions Code ("Code") provide that the Division of Medical
3 Quality of the Board of Medical Quality Assurance ("Division")
4 may suspend, revoke, place on probation, publicly reprimand or
5 take such other action in relation to discipline as the Division
6 may deem proper.

7 4. Section 2234(e) of the Code provides in pertinent
8 part that the Division shall take action against any licensee
9 who is charged with unprofessional conduct, which includes, but
10 is not limited to, the commission of any act involving
11 dishonesty or corruption which is substantially related to the
12 qualifications, functions, or duties of a physician and surgeon.

13 5. Section 2261 of the Code provides that knowingly
14 making or signing any certificate or document directly or
15 indirectly related to the practice of medicine or podiatry which
16 falsely represents the existence or nonexistence of a state of
17 facts, constitutes unprofessional conduct.

18 6. Sections 2236(a) and 490 of the Code provide in
19 pertinent part that the Division may suspend or revoke the
20 license of a licensee upon the licensee's conviction of a crime
21 substantially related to the qualifications, functions or duties
22 of a physician and surgeon.

23 7. Respondent is subject to disciplinary action
24 pursuant to sections 2236(a) and 490 of the Code in that:

25 On February 1, 1985, in the Superior Court of Orange
26 County, in Case No. C-55693, respondent was convicted upon his
27 plea of guilty to one count of violating Penal Code section

1 487.1, grand theft and an enhancement for the taking of property
2 in excess of \$25,000 in violation of Penal Code section
3 12022.6(a). Respondent was sentenced to state prison for a term
4 of 16 months.

5 8. Respondent is guilty of unprofessional conduct
6 within the meaning of section 2261 of the Code in that on 73
7 occasions on or about and between January 1, 1983, and
8 November 1, 1983, respondent knowingly made or signed claims for
9 reimbursement to Medi-Cal which falsely represented that
10 respondent had provided medical treatment when in truth and in
11 fact, respondent did not provide such medical treatment.

12 9. Respondent is guilty of unprofessional conduct
13 within the meaning of section 2234(e) of the Code in that on 73
14 occasions on or about and between January 1, 1983, and
15 November 1, 1983, respondent submitted claims for reimbursement
16 to Medi-Cal which falsely represented that respondent had
17 provided medical treatment when in truth and in fact, respondent
18 did not provide such medical treatment, and such acts involve
19 dishonesty or corruption which is substantially related to the
20 qualifications, functions or duties of a physician or surgeon.

21 WHEREFORE, complainant prays the Division hold a
22 hearing on the matters alleged herein, and following said
23 hearing issue a decision:


24 1. Revoking or suspending Physician's and Surgeon's
25 Certificate Number A-038460 issued to HUNG VU DO, M.D.; and

26 /

27 /

1 2: Taking such other and further action as the
2 Division in its discretion deems proper.

3 DATED: August 6, 1985
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6 
7 KENNETH J. WAGSTAFF
8 Executive Director
9 Division of Medical Quality
10 Board of Medical Quality Assurance

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27 Complainant

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